

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

WP(C).No. 16981 of 2007(V)

PETITIONER:

**J.SUKUMARA PILLAI, AGED 54 YEARS,
S/O N.JANARDHANAN PILLAI, PULINKULATHU THEKKE
PUTHEN VEEDU, PATTATHANAM, KOLLAM-21,
1ST GRADE DRAFTSMAN, PWD ROADS, KOLLAM..**

BY ADV. SRI.V.JAYAPRADEEP

RESPONDENTS:

- 1. STATE OF KERALA REPRESENTED BY
PRINCIPAL SECRETARY TO GOVERNMENT,
PUBLIC WORKS DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.**
- 2. THE CHIEF ENGINEER(ADMINISTRATION),
PUBLIC WORKS DEPARTMENT, THIRUVANANTHAPURAM.**
- 3. SRI. S.RADHAKRISHNAN,
1ST GRADE DRAFTSMAN, NH SUB DIVISION,
PUNALUR.**

BY GOVERNMENT PLEADER SRI. P.NANDAKUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04/06/07, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

K.BALAKRISHNAN NAIR, J.

W.P.(C).No.16981 of 2007-V

Dated this the 4th day of June, 2007.

J U D G M E N T

The petitioner who is a First Grade Draftsman working in Public Works Department, Roads Division, Kollam is transferred to Karunagappally, by Ext.P1 proceedings of the Chief Engineer, P.W.D. Administration, Thiruvananthapuram. This writ petition is filed challenging Ext.P1, on the ground that the transfer order is issued in violation of Ext.P3. The petitioner is due to retire in another one year. As per Ext.P3 transfer norms, a person who has got less than two years to retire shall not normally be transferred. The petitioner has already completed more than 3 years in the present station. But, according to him, unless somebody request for a posting in that place, he need not be disturbed. Of course, the petitioner has been transferred in public interest. But, the same can be done only after obtaining sanction of the Government. He submits, the transfer is ordered in violation of Ext.P3. This Court under Article 226 of the Constitution of India can interfere with the transfer, if the same is illegal or vitiated by malafides. Though, there is a vague allegation regarding malafides, no materials are produced in this writ petition, to

support the allegation. Violation of norms is not treated as an illegality. Therefore, no ground is made out warranting interference with the transfer, under Article 226 of the Constitution of India.

Accordingly, the writ petition fails, and it is dismissed. But, this will not affect the rights, if any, of the petitioner to represent against the transfer, on the ground that the same is issued in violation of Ext.P3. It is submitted that the petitioner has filed Ext.P2 representation before the second respondent. If Ext.P2 is received and pending, the second respondent will consider and pass orders on it, within one month from the date of production of a copy of this judgment.

K.BALAKRISHNAN NAIR,
JUDGE.

MS